

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JANE KNIGHT,

Plaintiff,

v.

ALFA LEISURE, INC.,

Defendant and Third-Party Plaintiff,

v.

TRIMARK CORPORATION et al.,

Third-Party Defendants.

No. 05-CV-00245-DRH

ORDER

HERNDON, District Judge:

This matter comes before the Court on Third-Party Defendant Trimark Corporation's ("Trimark") motion for summary judgment. (Doc. 103.) On February 9, 2007, the Court issued an order directing Defendant/Third-Party Plaintiff Alfa Leisure ("Alfa Leisure") to submit a supplemental response to Trimark's motion for summary judgment by March 2, 2007. (Doc. 112.) Because Alfa Leisure's initial response to Trimark's motion for summary judgment failed to address the merits of Trimark's motion, the Court warned Alfa Leisure that if it failed to respond by the deadline, the Court would consider it an admission of the merits of Trimark's motion and grant summary judgment in Trimark's favor. Alfa Leisure never submitted a supplemental response. The Court considers this failure to respond an admission

of the merits of Trimark's motion. Accordingly, the Court **GRANTS** Third-Party Defendant Trimark's motion for summary judgment. (Doc. 103.) Counts XI and XII of Alfa Leisure's Third-Party Complaint are dismissed. Having disposed of all claims against Trimark, Trimark is dismissed from this action with prejudice. The only remaining claims on Alfa Leisure's Third-Party Complaint are Count V and VI against M&M Manufacturing.

IT IS SO ORDERED.

Signed this 30th day of March, 2007.

/s/ David RHerndon
United States District Judge